

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VIRGINIA MILANES, OMAR MIGUEL FARFAN,
MANUEL ALBERTO MARTINEZ, ANDRES
GIOVANNY SANCHEZ, NANCY CASTRO, and
MARGOTH PEREZ DE CHALAMPA, on behalf of
themselves and all other similarly situated individuals,

08 Civ. 2354 (LMM)

Plaintiffs,

-against-

MICHAEL CHERTOFF, in his official capacity as
Secretary of the Department of Homeland Security,
EMILIO GONZALEZ, in his official capacity as
Director of the United States Citizenship and
Immigration Services, ANDREA QUARANTILLO,
in her official capacity as District Director of the
New York City District of the United States
Citizenship and Immigration Services,
MICHAEL B. MUKASEY, in his official capacity as
Attorney General of the United States, and
ROBERT S. MUELLER, III, in his official capacity as
Director of the Federal Bureau of Investigation,

Defendants.

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DECLARATION OF ARTURO VARGAS

I, Arturo Vargas, hereby declare and say that the following statements are true and
correct under penalty of perjury:

1. I am Executive Director of the National Association of Latino Elected and
Appointed Officials (NALEO) Educational Fund.
2. The NALEO Educational Fund is a non-profit, non-partisan organization that
facilitates full Latino participation in the American political process, from
citizenship to public service. Our constituency includes the more than 6,000
Latino elected and appointed officials nationwide. For the last two decades, the

NALEO Educational Fund has been on the forefront of national and local efforts to promote U.S. citizenship, and assist eligible legal permanent residents with the naturalization process.

3. The NALEO Educational Fund's efforts to promote naturalization have included community workshops and other activities to help newcomers submit their naturalization application materials. Since 1985, the NALEO Educational Fund has operated a toll-free information and resource hotline for callers with questions about the naturalization process – in the last five years alone, we have assisted about 75,000 callers through the hotline. Since 1993, the NALEO Educational Fund has also conducted a comprehensive national public service media campaign to inform newcomers about the opportunities and requirements of U.S. citizenship.
4. From our work with immigrants, we have seen that these newcomers are strongly motivated to pursue U.S. citizenship because of the opportunity it confers to become full Americans and to more actively participate in the civic life of our nation.
5. Legal permanent residents who apply for U.S. citizenship care deeply about the same issues as all Americans – issues such as education, economic opportunity, and health care – and they want to shape the policies that affect their families and communities. In addition, they see naturalization as a critical step toward making their voices heard in our national debate on immigration, which has become increasingly intense in recent years.

6. In January 2007, we launched our *ya es hora ¡Ciudadanía!* (*It's time, citizenship!*) campaign, a national effort to inform, educate and motivate eligible legal permanent residents across the United States to apply for U.S. citizenship. This campaign brought together over 400 national and regional organizations, including community and faith-based organizations, unions, public and private agencies, law offices and attorneys, elected and appointed officials, and private businesses. Over 23 cities across the country, from San Diego, California, to Boston, Massachusetts, conducted activities under the auspices of *ya es hora ¡Ciudadanía!*.
7. Our organizational partners in this campaign include the National Council of La Raza, the Service Employees International Union, and the We Are America Alliance. In addition, our media partners, Univision Communications, Entravision Communications, and *impreMedia*, played a critical leadership role in the campaign's public education efforts, by producing programs, public service announcements, and advertisements to reach Latino viewers and readers.
8. Nearly 100,000 persons have visited the *ya es hora* website, and over 115,000 naturalization guides have been distributed to communities across the nation through the network of over 400 *ya es hora* citizenship centers.
9. Our *ya es hora* campaign has provided newcomers with information about the opportunities of U.S. citizenship, and naturalization requirements and procedures. We help eligible legal permanent residents obtain the broad range of services needed to initiate and complete the U.S. citizenship process, from English-as-a-Second Language instruction, to application assistance, to legal services.


10. My staff and I have spoken with scores of legal permanent residents who have applied for U.S. citizenship during this campaign and they are all eager to demonstrate their commitment to this nation and want to help build our neighborhoods and communities. As noted above, they are particularly motivated these days by a desire to make their voices heard in our democratic process, by participating in our elections, given the current debate on immigration.
11. However, the delays they are now encountering in having their naturalization applications processed by USCIS will force many of these newcomers to defer their dream of becoming full Americans. They will be anguished if they are not able to vote in this year's elections.
12. Sadly, the delays that they are now encountering were predictable and could have been avoided if USCIS had heeded the warnings I and other advocates gave the agency. In addition to the bureaucratic issues that contributed to the delays, there are additional factors that contributed to FY 2007 increase in naturalization applications: the naturalization campaigns and the increase in fees.
13. We provided the agency with as much advance notice as possible about our *ya es hora* campaign and the increase in naturalization applicants we thought our efforts would produce. As early as November 2006, we initiated meetings with USCIS staff at both the district and national level, where we laid out our campaign plans. In fact, as we implemented different components of our campaign, we consulted frequently with USCIS district staff, and exchanged information about application numbers and our outreach efforts.

14. In early 2007, USCIS announced in intention to increase the naturalization application fees from \$400 to \$675 as of August 1, 2007. During the months preceding the fee hike, the monthly number of applicants grew significantly.
15. Many immigrant advocates and service providers warned USCIS of the anticipated increase of applicants in FY 2007 as a result of the fee increase and citizenship campaigns. In April 2007, when many organizations filed their comments on the proposed fee hike, they expressed their concerns about the increased applications that they expected before the final implementation of the fee hike.
16. We understand that the agency did not take measures to ensure that the applicants who filed in FY 2007 will become U.S. citizens in FY 2008.
17. We believe that this raises serious questions about why the agency did not start to take action earlier to address the potential backlog.
18. Past trends in naturalization application numbers also should have forewarned the agency about the potential for the FY 2007 increase.
19. In January 1999, the Immigration and Naturalization Service (the predecessor of the USCIS) imposed a significant increase in the fees for naturalization, from \$95 to \$225. This fee increase was also preceded by a surge in naturalization applications.
20. There is generally a surge in naturalization applications in the months preceding major fee hikes.
21. In light of past experiences and the warnings of many immigration advocates, USCIS should have anticipated the surge in applications in the first half of 2007.

22. The lengthy application delays that now exist are simply unacceptable given the numerous difficulties they impose on the applicants and their families and the anguish they create.
23. Legal permanent residents who choose to become U.S. citizens are eager to express their commitment to our nation and embrace its democratic traditions and values. When they apply for naturalization, our nation has an opportunity to extend a welcome that affirms and strengthens their commitment. When the U.S. citizenship process becomes a “bureaucratic steeplechase,” and newcomers are confronted with lengthy delays, they are seeing the worst face of this nation at the very time they should be seeing it at its best.
24. By eliminating unfair naturalization processing delays, we will ensure that both immigrants and our nation reap the benefits of U.S. citizenship. Naturalization enriches our economy and society by enabling talented newcomers to fill jobs and embrace opportunities that are only available to U.S. citizens. When new Americans participate in the electoral process, they help renew and maintain the vigor and vitality of our civic life. Newcomers share our dream of a country with a robust economy and a vibrant democracy.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 31st day of March, 2008.



Arturo Vargas, Executive Director
National Association of Latino Elected and Appointed
Officials (NALEO) Educational Fund